

CIVIL DOCKET
UNITED STATES DISTRICT COURT

BARROW

73-C-269

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>PETER J. BRENNAN, Secretary of Labor, v. VERNON PRICE, d/b/a UPRIGHT DRYWALL CO.</p>	<p>For plaintiff: Max A. Wernick Wm. J. Kilberg., Sol. of Labor Geo. T. Avery, Reg. Sol. Allen L. Prince — Office of the Solicitor U.S. Dept. of Labor Rm XXX 7C52 XX 1100 X Conn XXXXX Dallas, TX XXXX 75202 501 555 Griffin Square - Suite 707 Griffin and Young Streets Dallas, TX 75202</p> <p>For defendant: John Tanner Fourth National Building Tulsa, Oklahoma 74119 Jeff Nix Beacon Bldg. 1715 S. Boston Tulsa, Ok Tulsa, OK 74119 583-5541</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 9-1-73 4-1-75	Clerk				
J.S. 6 mailed 1-1-75 4-1-76	Marshal				
Basis of Action: Fair Labor Stds. Act. 29 USC 201, et seq. Sec. 217	Docket fee				
Action arose at:	Witness fees				
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-20-73	Complaint filed, summons issued. jj	
8-20-73	Pltf's Interrogatories, filed. jj	
8-23-73	U.S. Marshals service returned and filed. Executed by serving Summons, Complaint & Interrog. upon Vernon Price, Broken Arrow, Okla., 8-22-73. (USM \$15.12)jj	
1-7-74	Pltf's request for production of documents for inspection and copying, filed. g (cpy to US Marshal)	
1-17-74	U.S. Marshals Service returned and filed. Executed by serving Request for Prod. of Doc. to Vernon Price, 1-16-74 at Broken Arrow, Okla. (USM \$9.48)jj	
4-8-74	Motion of Pltf. for Default Judgment, filed. v	
4-8-74	Notice of Filing of Motion, filed. v	
4-8-74	Affidavit of Charles M. Sturm, attached to motion for default judg., filed. v	
4-24-74	M.O. Case set for hearing on Motion of Plaintiff for Default Judgment, on Tuesday April 30, 1974 at 10:00 A.M. s (AEB-J)	
4-30-74	Case called for hearing on pltf's motion for default judgment. Statements made. Deft. requests time to file answer out of time, and ruling taking under advisement. Hearing continued until 5-7-74. (AEB-J)hm	
5-7-74	Hearing held on Plaintiff's Motion for default Judgement. Parties represented. Statements made. Motion taken under advisement. Parties given 30 days to try and work out settlement. If no settlement then, court will rule on Motion. (AEB-J).s	
12-6-74	MO: Case set for hearing on default judgment on 12-10-74 at 10:30 a.m. (AEB-J)k copies sent by certified mail	
12-10-74	Hearing held on motion for default judgment. Pltf. not represented; Deft. represented by Jeff Nix. Court orders case dismissed for lack of prosecution. Deft. to prepare order. (AEB-J)b	
12-10-74	Order Dismissing for lack of prosecution, filed & entered. (AEB-J)b cps mld.	
1-3-75	Motion of pltf. to strike order of dismissal, filed. g	
1-3-75	Brief in support of pltf's mot. to reinstate cause, filed. g	
1-3-75	MO: Ordered that deft. is granted 10 days to respond to motion to strike order of dismissal (AEB-J)g	
1-28-75	Motion of Deft. in opposition of pltf's Motion to Strike Order of Dismissal, filed. lm	
1-28-75	BRIEF in support of deft's Motion in opposition of pltf's Motion to Strike Order of Dismissal, filed. lm	
2-10-75	Notice of appeal of Order of 12-11-75 by pltf., filed.k	
3-21-75	Order, filed, that pltf's mtr. to strike order of dismissal is granted and pltf's cause of action and complaint are reinstated and will be set on next disp. docket. (AEB-J)jj <i>appeal notice</i>	
3-25-75	Withdrawal of notice of appeal by pltf., filed. rm (copies to counsel & USCA)	

Barrow

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-25-75	Case set for disposition for hearing on motion for default judgment on 4-29-75, at 10:00 A.M. (AEB-J)b nts mld.	
4-29-75	Case called for hearing on motion for default judgment. Deft. allowed to file answer out of time. Answer filed in open court. (AEB-J)b	
4-29-75	Answer of Deft. filed in open court. b	
6-25-75	MO: Parties are directed to hold PT conf. on or before 8-6-75 & file PT Order on or before 8-13-75. (AEB-J)k cps by cert mail	
8-15-75	Request for ext. of time to file pretrial order, filed. g <i>of</i>	
8-18-75	Order, filed (allowed until 8-28-75 to file pretrial order AEB)	
8-28-75	Plaintiff's Proposed Pretrial Order, filed. mm	
9-9-75	Defendant's Proposed Pretrial Order, filed. mm	
11-4-75	MO: Case set for N/J trial on 1-19-76, at 10:00 A.M. (AEB-J)b nts mld w/affid.	
12-22-75	Brief for the Secy. of Labor, filed. g	
12-24	Pltf's Notice to Take Deposition of Vernon Price of 801 Pecan, Broken Arrow, Okla. at 10:00 A.M. on 1-6-76 at 333 W. 4th St, Room 4562, filed. lm	
1976		
1-19	Depositions and answers of Bob McCage and Vernon Price, on behalf of pltf., filed. g	
1-19-76	Case called for non-jury trial. Parties present and announce ready. Parties to stay in touch with Court as to definite time of trial on trailing docket (possible trial date of Jan. 23rd, 1976) (AEB-J)t	
1-20-76	Subpoenae, ret. & filed: served John Whinery, Bill Dowdy, Larry Leigh, Jack R. Hackathorn, John R. Lamb, Don Hooper, Ronald L. Stewart, Pat E. Buchanan, Robert Steven Cochran, Jim Cameron, Tim A. Turley & Henry Peal on 1-16-76; served Ronnie Eberle on 1-17-76; <u>unserved</u> as to J. F. "Pat" Goodacre, Jack Blankenship, Michael Dale Detrich. g (USM \$63.60)	
1-29	Atty. for Deft. announces in open court that parties have settled. Pltf. to prepare settlement papers. (AEB-J)b	
3-12-76	Findings of Fact & Conclusions of Law, filed. (AEB-J)g	
3-12-76	Judgment, filed & entered: deft. permanently enjoined and directed to pay overtime compensation & interest in sum of \$58,000.00 to pltf. in 36 equal consecutive monthly installments, commencing on or before 3-31-76 in sum of \$1611.00; pltf. to make distribution to deft's employees listed herein; deft. to pay costs of this action. (AEB-J)g copies mld.	
5-13	Partial Release of Judgment as to specific property, filed. t	
7-16	Deft's. application for order nunc pro tunc, filed. s	
7-16	Order, filed, that judgment and Findings of Fact and Conclusions of Law approved by the parties and entered by the Ct. 3-12-76 be altered, changed and amended to reflect the intent of the parties insofar as the overtime compensation and interest award owed to the employees of the deft. in the amount of \$58,000.00; said judgment remain in full force and effect insofar as the arrearage amount, interest and schedule of payments be concerned but that said arrearage	

DATE	PROCEEDINGS	Date Order or Judgment Note
	amount should represent a sum of money due as an arrearage and should not operate as a judgment lien against the debt, Vernon Price or real estate in which he may have an interest, as contemplated and defined by the Statutes of the State of Oklahoma. Further, that the balance of the remaining terms of the judgment rendered in favor of the pltf. and against the debt. on 3-12-76 shall be and remain in full force and effect. (AEB-J)s cps mld by debt's. Atty. Tanner. Order nunc pro tunc entered.	
7-14-77	Pltf's interrogatories, filed. 1m	
7-14	Pltf's petition for adjudication in civil contempt, filed. 1m (o to J)	
8-24	Deft. ans. to interrog. fld. ho	
12-6	MO: It is Ordered that Pltf's petition for adjudication in civil contempt & interrogatories be and the same is hereby referred to the U.S. Magistrate, pursuant to M-128 & 28 U.S.C. Sec. 631 et seq. (AEB-J)b ltr mld	
12-28	MO: Case set for hrg. before the Mag. on pltf's petition for adjudication in civil contempt & interrogatories on 1-9-78 at 4:30 pm. (RSR-Mag)k ntc by KT	
<u>1978</u>		
1-9	MO: Hrg. before Mag. on pltf's petition for adjudication in civil contempt passed to 1-30-78. (RSR-Mag)k	
1-12	MO: Case set for hrg. before the Mag. on pltf's petition for adjudication in civil contempt on 1-30-78 at 3:00 p.m. (RSR-Mag)k ntc by KT	
1-24	MO: Hrg. before Mag. on pltf's petition for adjudication in civil contempt set for 1-30-78 at 3:00 p.m. is stricken and reset on 3-20-78 at 11:30 a.m. (RSR-Mag)k ntc by KT	
3-9	MO: Case set for hearing before Mag. Rizley on Pltf's petition for adjudication in civil contempt & interrogatories on 3-20-78, at 11:30 A.M. (RSR-Mag) b nts by KT	
3-20	Case called for hearing on motions before Mag. Rizley. By agreement of parties, Pltf's petition for adjudication in civil contempt & interrogatories is passed to May 1, 1978. (RSR-Mag) b	
4-21	MO: Hearing set before Mag. Rizley on 5-1-78, at 9:30 A.M., on petition for adjudication in civil contempt & interrogatories. (RSR-Mag) nts by KT	
5-1	MO: Hrg. before the Mag. set for 9:30 a.m. on pltf's petition for adjudication in civil contempt and interrogatories is stricken upon request of debt. counsel and with concurrence of pltf. To be reset. (RSR-Mag)k ntc by KT	
6-8	MO: Case set for hrg. before the Mag. on pltf's petition for adjudication in civil contempt & interrogs. on 6-19-78 at 9:45 a.m. (RSR-Mag)k ntc by KT	
6-14	MO: By agreement of parties, hrg. set for 6-19-78 at 9:45 a.m. on pltf's petition for adjudication in civil contempt & interrogs. is stricken and reset on 8-7-78. (RSR-Mag)k ntc by KT	
7-20	MO: Case is set for hearing pltf's petition for Adjudication in civil contempt & interrogatories on 8-7-78 at 1:30 P.M. (RSR-Mag) b nts by KT	
8-7	Min. Case called for hearing pltf's petition for adjudication in civil contempt. Hearing stricken pending settlement. To be reset on 9-5-78, for disposition. (RSR-Mag) b	

10-14-78
file
to MC

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF

Peter J. Brennan

DEFENDANT

Vernon Price

DOCKET NO. 73-C-269-B

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DATE	NR.	PROCEEDINGS
8-17-78	MO:	Case set for hearing Pltf's petition for adjudication in civil contempt & interrogatories on 9-5-78, at 4:45 P.M. (RSR-Mag) b nts by kt
9-5	Min.	Case is stricken from docket. Parties advise case has been settled. Settlement papers to be presented to Court in 10 days (RSR-Mag) b
9-19	--	Order, filed & entered, that deft. purge himself of civil contempt by delivering to pltf. the overtime compensation found due in the Court's Judgment of 3-12-76. Provisions of this order shall be deemed satisfied when deft. complies w/ payment schedule. (AEB-J)k cps mld

